

CLERK OF COURTS
JOSEPH E. SOLLITTO, JR.

ASSISTANT CLERK
PAULA BERUBE-DEVANEY

The Commonwealth of Massachusetts
Office of the Clerk of Courts
County of Dukes County

TEL. 508-627-4668
EDGARTOWN, MASSACHUSETTS
02539

October 22, 2018

By USPS

Attn: Aaron A. Fredericks, Esq.
Sassoon & Cymrot
84 State Street
Boston, MA 02109

Re: Matthew Vanderhoop vs. Wilmington Savings Fund Society FSB
Docket No. 1874CV00034

Dear Mr. Fredericks,

Please find attached certified copies and the docket report that you requested for the above referenced case. A total of 29 pages were copied at \$2.50 per page. Please forward a check in the amount of \$72.50 payable to the Dukes County Superior Court.

Very truly yours,

Joseph E. Sollitto, Jr.
JOSEPH E. SOLLITTO, JR.
CLERK OF COURTS



COMMONWEALTH OF MASSACHUSETTS
DUKES COUNTY
Docket Report

1874CV00034 Vanderhoop, Matthew vs. Wilmington Savings Fund Society FSB

CASE TYPE:	Real Property	FILE DATE:	08/22/2018
ACTION CODE:	C99	CASE TRACK:	F - Fast Track
DESCRIPTION:	Other Real Property Action	CASE STATUS:	Closed
CASE DISPOSITION DATE	09/18/2018	STATUS DATE:	09/18/2018
CASE DISPOSITION:	Transferred to another Court	CASE SESSION:	Civil A
CASE JUDGE:			

DCM TRACK

Tickler Description	Due Date	Completion Date
Service	11/20/2018	09/18/2018
Rule 15 Served By	12/20/2018	09/18/2018
Rule 12/19/20 Served By	12/20/2018	09/18/2018
Answer	12/20/2018	09/18/2018
Rule 15 Filed By	01/22/2019	09/18/2018
Rule 12/19/20 Filed By	01/22/2019	09/18/2018
Rule 12/19/20 Heard By	02/19/2019	09/18/2018
Rule 15 Heard By	02/19/2019	09/18/2018
Discovery	06/18/2019	09/18/2018
Rule 56 Served By	07/18/2019	09/18/2018
Rule 56 Filed By	08/19/2019	09/18/2018
Final Pre-Trial Conference	12/16/2019	09/18/2018
Judgment	08/21/2020	09/18/2018

PARTIES

Plaintiff Vanderhoop, Matthew 17 Old South Road Aquinnah, MA 02535	Attorney Deborrah M Dorman Law Office of Deborrah M. Dorman Law Office of Deborrah M. Dorman Post Off Box 944 Vineyard Haven, MA 02568 Work Phone (774) 563-0040 Added Date: 08/22/2018	635729
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**DUKES COUNTY
Docket Report**

Defendant Wilmington Savings Fund Society FSB	<table> <tr> <td> Attorney Julie A Ranieri Korde & Associates, P.C. Korde & Associates, P.C. 900 Chelmsford St Suite 3102 Lowell, MA 01851 Work Phone (978) 256-1500 Added Date: 09/05/2018 </td><td align="right">655936</td></tr> <tr> <td> Attorney Aaron Fredericks Sassoon & Cymrot, LLP Sassoon & Cymrot, LLP 84 State St 8th Floor Boston, MA 02109 Work Phone (617) 720-0099 Added Date: 09/17/2018 </td><td align="right">688412</td></tr> </table>	Attorney Julie A Ranieri Korde & Associates, P.C. Korde & Associates, P.C. 900 Chelmsford St Suite 3102 Lowell, MA 01851 Work Phone (978) 256-1500 Added Date: 09/05/2018	655936	Attorney Aaron Fredericks Sassoon & Cymrot, LLP Sassoon & Cymrot, LLP 84 State St 8th Floor Boston, MA 02109 Work Phone (617) 720-0099 Added Date: 09/17/2018	688412
Attorney Julie A Ranieri Korde & Associates, P.C. Korde & Associates, P.C. 900 Chelmsford St Suite 3102 Lowell, MA 01851 Work Phone (978) 256-1500 Added Date: 09/05/2018	655936				
Attorney Aaron Fredericks Sassoon & Cymrot, LLP Sassoon & Cymrot, LLP 84 State St 8th Floor Boston, MA 02109 Work Phone (617) 720-0099 Added Date: 09/17/2018	688412				

EVENTS

Date	Session	Event	Result	Resulting Judge
08/22/2018	Civil A	Motion Hearing	Held as Scheduled	Moriarty
09/04/2018	Civil A	Hearing on Preliminary Injunction	Rescheduled	Moriarty

FINANCIAL SUMMARY

	Fees/Fines/Costs/Charge	Assessed	Paid	Dismissed	Balance
Total		370.00	370.00	0.00	0.00



COMMONWEALTH OF MASSACHUSETTS
DUKES COUNTY
Docket Report

INFORMATIONAL DOCKET ENTRIES

Date	Ref	Description	Judge
08/22/2018		Attorney appearance On this date Deborrah M Dorman, Esq. added for Plaintiff Matthew Vanderhoop	
08/22/2018		Case assigned to: DCM Track F - Fast Track was added on 08/22/2018	
08/22/2018	1	Original Civil Complaint Filed and Motion for Temporary Restraining Injunction for Protection From an Unlawful Foreclosure Auction of His Home.	
08/22/2018	2	Civil action cover sheet filed.	
08/22/2018	3	Affidavit of Matthew Vanderhoop in Support of Complaint and Motion for Temporary Restraining Injunction for Protection From an Unlawful Foreclosure Auction of His Home.	
08/22/2018		Event Result:: Motion Hearing scheduled on: 08/22/2018 11:00 AM Has been: Held as Scheduled Hon. Cornelius J Moriarty, II, Presiding Appeared: Staff:	Moriarty
08/30/2018	4	Defendant Wilmington Savings Fund Society FSB's Assented to Motion to continue / reschedule an event 09/04/2018 09:00 AM Hearing on Preliminary Injunction	
09/04/2018		Event Result:: Hearing on Preliminary Injunction scheduled on: 09/04/2018 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Hon. Cornelius J Moriarty, II, Presiding Appeared: Staff:	Moriarty
09/05/2018		Attorney appearance On this date Julie A Ranieri, Esq. added for Defendant Wilmington Savings Fund Society FSB	
09/17/2018	5	Attorney appearance On this date Aaron Fredericks, Esq. added for Defendant Wilmington Savings Fund Society FSB	
09/17/2018	6	Notice of Removal to the United States District Court filed by Applies To: Fredericks, Esq., Aaron (Attorney) on behalf of Wilmington Savings Fund Society FSB (Defendant)	
09/17/2018	7	Certificate of service of attorney or Pro Se: Aaron Fredericks, Esq.	
09/18/2018		Case transferred to another court.	

DUKES COUNTY
Docket Report

09/21/2018	8	Notice of Removal to the United States District Court filed by Wilmington Savings Fund Society FSB Applies To: Wilmington Savings Fund Society FSB (Defendant)
10/01/2018	9	Service Returned for Defendant Wilmington Savings Fund Society FSB: Service through person in charge / agent; on 9/24/2018

①

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

DUKES, SS

DOCKET NO. 1874CV00034

MATTHEW VANDERHOOP,
Plaintiff

VS

WILMINGTON SAVINGS FUND
SOCIETY FSB, DOING BUSINESS AS
CHRISTIANA TRUST, NOT IN ITS
INDIVIDUAL CAPACITY, BUT
SOLELY AS TRUSTEE FOR BCAT
2014-10TT,
Defendant

A True Copy, Attest:
Joseph E. Sollitto, Jr.

Joseph E. Sollitto, Jr.
 Clerk of Courts

COMPLAINT AND MOTION FOR TEMPORARY
RESTRAINING INJUNCTION FOR PROTECTION FROM
AN UNLAWFUL FORECLOSURE AUCTION OF HIS
HOME, G.L.c 244, Sec. 35B

NOW COMES Mr. Matthew Vanderhoop, the Plaintiff in the above-captioned action, who presents this Complaint and Motion for Temporary Restraining Injunction for Protection from Unlawful Foreclosure Auction of his Home, located at 17 Old South Road, in Aquinnah, Massachusetts.

1. On or about April 24, 2007, Mr. Vanderhoop obtained a mortgage from Sovereign Bank for \$850,000 to purchase 17 Old South Road, Aquinnah. During the recent recession, Mr. Vanderhoop fell behind in his mortgage, but has been denied the opportunity to modify his mortgage in order to avoid foreclosure of his home in violation of G.L.c 244.
2. The Defendant does not have clear title to Mr. Vanderhoop's home, 17 Old South Road, Aquinnah.
3. On January 22, 2016, Angela Farmer, Vice President, signed an *Affidavit Regarding Note Secure by Mortgage to be Foreclosed*, by Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity but solely as Trustee of

FILED
 SUPERIOR COURT
 COUNTY OF DUKES COUNTY

AUG 22 2018

REC'D

CLERK

8/22/18 1:10 PM TO ISSUE, Returnable 4 September 2018 at 9 AM
 Marybeth, J.
 Pl. Benker-DeVany
 Asst. Clerk

BCATd 2014-10TT by Rushmore Loan Management Services LLC, its appointed attorney in Fact. See Book 01397, Book 883.

4. However, the property was not transferred to Wilmington Savings until February 6, 2018, when MTGLQ Investors, assigned and transferred Wilmington Savings Fund Society, FSB, Doing Business as Christiana Trust, not in its individual capacity but solely as Trustees for BCAT 2014-10TT, whose address is c/o Selene Finance LP. See Book 01460, Page 560.
5. Permission for Mr. Vanderhoop to access his home at 17 South Road, Aquinnah, has been granted to him and his family members by the Wampanoag Tribe of Gay Head (Aquinnah), of which Mr. Vanderhoop is a member, and it is questionable as to whether access across Wampanoag Tribal Lands would be allowed to a third party.

THEREFORE, Mr. Vanderhoop ask this Honorable Court to issue a Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction restraining and enjoining the Defendant from conducting a Foreclosure auction of 17 South Road, Aquinnah, and award any other such relief as the Court deems appropriate. Further, Mr. Vanderhoop requests that the Court schedule Preliminary Injunction Hearing prior to the expiration of any Temporary Restraining Order that may be granted.

August 23, 2018

Respectfully submitted,
MATTHEW VANDERHOOP
By his attorney,



Deborah M. Dorman, Esq.
Post Office Box 944
Tisbury, MA 02568
(774) 563-0040
BBO#635729

CIVIL ACTION COVER SHEET	DOCKET NUMBER 1874CV00034	Trial Court of Massachusetts The Superior Court
PLAINTIFF(S): <u>Matthew Vander Hoop</u>	COUNTY: <u>Dukes</u>	
ADDRESS: <u>17 Old South Road</u> <u>Aquinnah, MA</u>	DEFENDANT(S): <u>Wilmington Savings Fund</u> <u>Society FSB, Doing Business</u> <u>as Christiansa Trust</u>	
ATTORNEY: <u>Deborah M. Dorman</u>	ADDRESS: <u>120 Gibraltar Rd.</u> <u>Suite 300</u> <u>Horsham, PA 19044</u>	
ADDRESS: <u>P.O. Box 944</u> <u>Tisbury, MA 02568</u>	BBO: _____	
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)		
CODE NO. _____	TYPE OF ACTION (specify): <u>Complaint/Motion for</u> <u>TRD</u>	TRACK _____
*If "Other" please describe: _____		HAS A JURY CLAIM BEEN MADE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A		
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.		
TORT CLAIMS (attach additional sheets as necessary)		
A. Documented medical expenses to date:		
1. Total hospital expenses		\$ _____
2. Total doctor expenses		\$ _____
3. Total chiropractic expenses		\$ _____
4. Total physical therapy expenses		\$ _____
5. Total other expenses (describe below)		\$ _____
Subtotal (A):		\$ _____
B. Documented lost wages and compensation to date		\$ _____
C. Documented property damages to dated		\$ _____
D. Reasonably anticipated future medical and hospital expenses		\$ _____
E. Reasonably anticipated lost wages		\$ _____
F. Other documented items of damages (describe below)		\$ _____
G. Briefly describe plaintiff's injury, including the nature and extent of injury:		
A True Copy Attest: <u>Joseph E. Sollitto, Jr.</u> Joseph E. Sollitto, Jr. Clerk of Courts		TOTAL (A-F):\$ _____
CONTRACT CLAIMS (attach additional sheets as necessary)		
Provide a detailed description of claims(s): Clerk of Courts		FILED SUPERIOR COURT COUNTY OF DUKES COUNTY AUG 22 2018 TOTAL: \$ _____
Signature of Attorney/Pro Se Plaintiff: X _____		REC'D _____ CLERK _____ Date: _____
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.		
CERTIFICATION PURSUANT TO SJC RULE 1:18		
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.		
Signature of Attorney of Record: X <u>Deborah M. Dorman</u>		Date: _____

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
Superior PROBATE AND FAMILY COURT DEPARTMENT**

DUKES, SS

DOCKET NO. **1874CV00034**

<u>MATTHEW VANDERHOOP,</u>)
Plaintiff)
VS)
WILMINGTON SAVINGS FUND)
SOCIETY FSB, DOING BUSINESS AS)
CHRISTIANA TRUST, NOT IN ITS)
INDIVIDUAL CAPACITY, BUT)
SOLELY AS TRUSTEE FOR BCAT)
2014-10TT,)
Defendant)

A True Copy Attest:

Joseph E. Sollitto, Jr.

Joseph E. Sollitto, Jr.
Clerk of Courts

**PLAINTIFF'S AFFIDAVIT IN SUPPORT OF
COMPLAINT AND MOTION FOR TEMPORARY
RESTRAINING INJUNCTION FOR PROTECTION FROM
AN UNLAWFUL FORECLOSURE AUCTION OF HIS
HOME, G.L.c 244, Sec. 35B**

1. My name is Matthew Vanderhoop and I live at 17 Old South Road, Aquinnah, Massachusetts.
2. I obtained a mortgage on or about April 24, 2007, but when I fell behind in my mortgage payments, was unable to obtain a modification of my mortgage.
3. My mortgage changed hands so many times that it was hard to keep up with who really owned my mortgage and the documents themselves regarding my title are equally confusing.
4. I am a member of the Wampanoag Tribe of Gay Head (Aquinnah) and have received tribal permission to access my home. I believe that this right of access is limited to me and my family.
5. If the foreclosure sale of my home is allowed today, my family and I will suffer irreparable harm.

Signed under the pains and penalties of perjury:

Matthew J. Vanderhoop
Matthew Vanderhoop

FILED
SUPERIOR COURT
COUNTY OF DUKES COUNTY

AUG 22 2018

REC'D

CLERK

4

COMMONWEALTH OF MASSACHUSETTS

DUKE SS.

SUPERIOR COURT
DOCKET # 1874CV00034

Matthew Vanderhoop,

Plaintiff,

v.

Wilmington Savings Fund Society FSB, d/b/a
Christiane Trust, not in its individual capacity
but solely as Trustee for BCAT 2014-10TT,

Defendant.

A True Copy Attest:

Joseph E. Sollitto, Jr.

Joseph E. Sollitto, Jr.
Clerk of Courts

ASSENTED TO MOTION TO CONTINUE

Now comes the Defendant, Wilmington Savings Fund Society FSB, d/b/a Christiane Trust, not in its individual capacity but solely as Trustee for BCAT 2014-10TT ("Defendant"), and respectfully requests that the Court continue the hearing currently scheduled for Monday, September 4, 2018 at 9 AM, to one of the following days convenient to the Court: October, 11, 12, 16, 17 or 19, 2018.

In support thereof, undersigned counsel for Defendant states that the parties have agreed to continue the hearing as Defendant's counsel is unable to attend the hearing as scheduled on September 4, 2018. There is no prejudice to either party in granting a brief continuance of the September 4, 2018, scheduled hearing.

Plaintiff's counsel assents to this motion.

Wherefore, Defendant respectfully requests that the Court allow this Assented to Motion to Continue the Monday, September 4, 2018 hearing to a date convenient to or the Court as set forth above.

FILED
SUPERIOR COURT
COUNTY OF DUKES COUNTY

AUG 30 2018

REC'D

CLERK

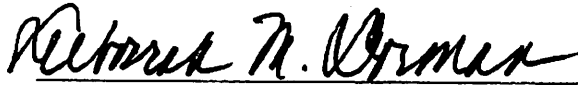
Vanderhoop

v.

Wilmington Savings Fund Society, as Trustee

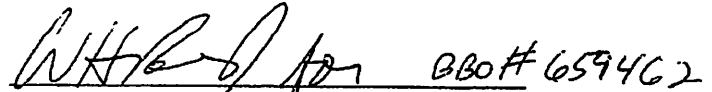
Dated: August 29, 2018.

Respectfully submitted,
Plaintiff,
Matthew Vanderhoop,
By his attorney,



Deborah M. Dorman, Esq. BBO # 635729
Law Office of Deborah M. Dorman
P.O. Box 944
Tisbury, MA 02568
774-563-0040
dormandmd@aol.com

Respectfully submitted,
Defendant,
Wilmington Savings Fund Society FSB,
d/b/a Christiane Trust, not in its individual
capacity but solely as Trustee for BCAT
2014-10TT
By its attorneys,

 BBO # 659462

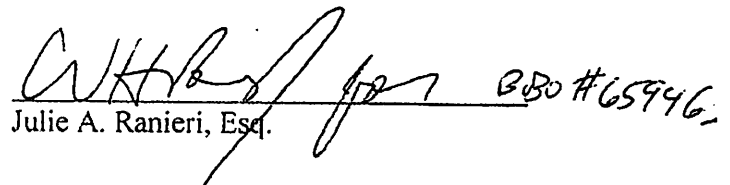
Julie A. Ranieri, Esq. BBO # 655936
Korde & Associates, P.C.
900 Chelmsford Street, Suite 3102
Lowell, MA 01851
(978) 256-1500 (ext. 210)
jranieri@kordeassociates.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Assented to Motion to Continue was sent to:

Deborah M. Dorman, Esq.
Post Office Box 944
Tisbury, MA 02568

by first class mail, postage prepaid on this 29th day of August 2018.

 BBO # 659462
Julie A. Ranieri, Esq.

5

COMMONWEALTH OF MASSACHUSETTS

DUKES, ss.

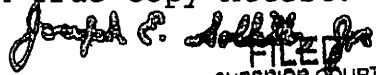
SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT
C.A. NO. 1874CV00034

MATTHEW VANDERHOOP,
Plaintiff,

v.

WILMINGTON SAVINGS FUND
SOCIETY FSB, D/B/A CHRISTIANA
TRUST, NOT IN ITS INDIVIDUAL
CAPACITY, BUT SOLELY AS TRUSTEE
FOR BCAT 2014-10TT,
Defendant.

A True Copy Attest:


Joseph E. Sullivan
Clerk of Courts
SUPERIOR COURT,
COUNTY OF DUKES COUNTY

SEP 17 2018

REC'D

CLERK

NOTICE OF APPEARANCE

Please enter the appearance of Aaron A. Fredericks, Esq. as counsel of record for defendant Wilmington Savings Fund Society FSB, d/b/a Christiana Trust, not in its individual capacity, but solely as Trustee for BCAT 2014-10TT in the above-captioned action.


Aaron A. Fredericks, Esq. (BBO#688412)
Sassoon & Cymrot, LLP
84 State Street
Boston, MA 02109
(617) 720-0099
AFredericks@SassoonCymrot.com

DATE: September 11, 2018

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COMMONWEALTH OF MASSACHUSETTS

DUKES, ss.

SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT
C.A. NO. 1874CV00034

MATTHEW VANDERHOOP,
Plaintiff,

v.

WILMINGTON SAVINGS FUND
SOCIETY FSB, D/B/A CHRISTIANA
TRUST, NOT IN ITS INDIVIDUAL
CAPACITY, BUT SOLELY AS TRUSTEE
FOR BCAT 2014-10TT,
Defendant.

FILED
SUPERIOR COURT
COUNTY OF DUKES COUNTY

SEP 17 2018

REC'D

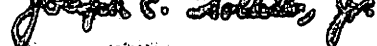
CLERK

Deborrah M. Dorman, Esq.
PO Box 944
Tisbury, MA 02568

NOTICE OF FILING OF NOTICE OF REMOVAL

PLEASE TAKE NOTICE that defendant Wilmington Savings Fund Society FSB, d/b/a Christiana Trust, not in its individual capacity, but solely as Trustee for BCAT 2014-10TT on the 11th day of September 2018, filed a Notice of Removal regarding the above-captioned action in the Office of the Clerk of the U.S. District Court for the District of Massachusetts in Boston, Massachusetts. A copy is attached as Exhibit A.

A True Copy Attest:

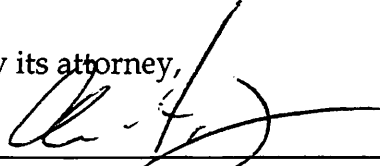


Joseph E. Sollitto, Jr.
Clerk of Courts

Respectfully submitted,

WILMINGTON SAVINGS FUND SOCIETY
FSB, D/B/A CHRISTIANA TRUST, NOT
IN ITS INDIVIDUAL CAPACITY, BUT
SOLELY AS TRUSTEE FOR BCAT 2014-
10TT,

By its attorney,

A handwritten signature in black ink, appearing to read 'A. Fredericks', is written over a horizontal line.

Aaron A. Fredericks, Esq. (BBO#688412)

Sassoon & Cymrot, LLP

84 State Street

Boston, MA 02109

(617) 720-0099

AFredericks@SassoonCymrot.com

DATE: September 11, 2018

EXHIBIT A

Notice of Removal

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MATTHEW VANDERHOOP, Plaintiff, v. WILMINGTON SAVINGS FUND SOCIETY FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BCAT 2014-10TT, Defendant.	Civil Action No. 18-11924
---	---------------------------

NOTICE OF REMOVAL

PURSUANT TO 28 U.S.C. §§ 1332, 1441 and 1446, defendant Wilmington Savings Fund Society FSB, d/b/a Christiana Trust, not in its individual capacity, but solely as Trustee for BCAT 2014-10TT ("Wilmington Savings") hereby removes the above-captioned action, originally filed in the Superior Court of the Commonwealth of Massachusetts, to the U.S. District Court for the District of Massachusetts.

Statement of Grounds for Removal

1. Matthew Vanderhoop ("Plaintiff") is, on information and belief, a Massachusetts citizen with a principal residence located in Aquinnah, Massachusetts.
2. Wilmington Savings is a subsidiary of Wilmington Savings Fund Society Financial Corporation, a financial services holding company headquartered in Wilmington, Delaware.

3. By quitclaim deed dated January 7, 1995, the Plaintiff and Rachel Vanderhoop became record owners of certain real property known as and numbered 17 Old South Road, Aquinnah, Dukes County, Massachusetts (the "Property").

4. On April 24, 2007, the Plaintiff executed a promissory note in favor of Sovereign Bank (the "Lender") to borrow the sum of \$850,000.00 (the "Note"). As security for his obligations under the Note, the Plaintiff granted a mortgage on the Property in favor of the Lender (the "Mortgage").

5. The Mortgage was assigned to Wilmington Savings by an assignment of mortgage dated February 2, 2015.

6. Selene Finance LP ("Selene") is the loan servicer for the Note and Mortgage on behalf of Wilmington Savings.

7. On August 22, 2018, the Plaintiff filed a complaint (the "Complaint") with the Superior Court (Dukes) for the Commonwealth of Massachusetts (the "State Court"), commencing the above-captioned action. A copy of the Complaint is attached hereto as Exhibit 1.

8. In the Complaint, the Plaintiff seeks *inter alia* to enjoin Wilmington Savings from proceeding with a foreclosure sale regarding Wilmington Savings' Mortgage on the Property.

Jurisdiction

9. This Court has jurisdiction of the above-captioned action pursuant to 28 U.S.C. § 1332 in that the Plaintiff and Wilmington Savings are citizens of different states

and the amount in controversy, exclusive of interest and costs, exceeds the sum or value of \$75,000.00.

10. Removal is timely as, on August 22, 2018, the Plaintiff filed the Complaint with the State Court.

11. Pursuant to the Local Rules for the U.S. District Court for the District of Massachusetts (the "District Court"), within 30 days after the filing of this notice of removal, Wilmington Savings shall file with the District Court certified or attested-to copies of all records and proceedings in the State Court and a certified or attested-to copy of all docket entries in the State Court. Local Rule 81.1.

Respectfully submitted,

WILMINGTON SAVINGS FUND SOCIETY
FSB, D/B/A CHRISTIANA TRUST, NOT
IN ITS INDIVIDUAL CAPACITY, BUT
SOLELY AS TRUSTEE FOR BCAT 2014-
10TT,

By its attorney,

/s/ Aaron A. Fredericks, Esq.
Aaron A. Fredericks, Esq. (BBO#688412)
Sassoon & Cymrot, LLP
84 State Street
Boston, MA 02109
(617) 720-0099
AFredericks@SassoonCymrot.com

DATE: September 11, 2018

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT**

DUKES, SS

DOCKET NO.

**MATTHEW VANDERHOOP,
Plaintiff**

VS

**WILMINGTON SAVINGS FUND
SOCIETY FSB, DOING BUSINESS AS
CHRISTIANA TRUST, NOT IN ITS
INDIVIDUAL CAPACITY, BUT
SOLELY AS TRUSTEE FOR BCAT
2014-10TT,
Defendant**

FILED
SUPERIOR COURT
COUNTY OF DUKES COUNTY

SEP 17 2018

REC'D

CLERK

**COMPLAINT AND MOTION FOR TEMPORARY
RESTRAINING INJUNCTION FOR PROTECTION FROM
AN UNLAWFUL FORECLOSURE AUCTION OF HIS
HOME, G.L.c 244, Sec. 35B**

NOW COMES Mr. Matthew Vanderhoop, the Plaintiff in the above-captioned action, who presents this Complaint and Motion for Temporary Restraining Injunction for Protection from Unlawful Foreclosure Auction of his Home, located at 17 Old South Road, in Aquinnah, Massachusetts.

1. On or about April 24, 2007, Mr. Vanderhoop obtained a mortgage from Sovereign Bank for \$850,000 to purchase 17 Old South Road, Aquinnah. During the recent recession, Mr. Vanderhoop fell behind in his mortgage, but has been denied the opportunity to modify his mortgage in order to avoid foreclosure of his home in violation of G.L.c 244.
2. The Defendant does not have clear title to Mr. Vanderhoop's home, 17 Old South Road, Aquinnah.
3. On January 22, 2016, Angela Farmer, Vice President, signed an *Affidavit Regarding Note Secure by Mortgage to be Foreclosed*, by Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity but solely as Trustee for

BCATd 2014-10TT by Rushmore Loan Management Services LLC, its appointed attorney in Fact. See Book 01397, Book 883.

4. However, the property was not transferred to Wilmington Savings until February 6, 2018, when MTGLQ Investors, assigned and transferred Wilmington Savings Fund Society, FSB, Doing Business as Christiana Trust, not in its individual capacity but solely as Trustees for BCAT 2014-10TT, whose address is c/o Selene Finance LP. See Book 01460, Page 560.
5. Permission for Mr. Vanderhoop to access his home at 17 South Road, Aquinnah, has been granted to him and his family members by the Wampanoag Tribe of Gay Head (Aquinnah), of which Mr. Vanderhoop is a member, and it is questionable as to whether access across Wampanoag Tribal Lands would be allowed to a third party.

THEREFORE, Mr. Vanderhoop ask this Honorable Court to issue a Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction restraining and enjoining the Defendant from conducting a Foreclosure auction of 17 South Road, Aquinnah, and award any other such relief as the Court deems appropriate. Further, Mr. Vanderhoop requests that the Court schedule Preliminary Injunction Hearing prior to the expiration of any Temporary Restraining Order that may be granted.

August 23, 2018

Respectfully submitted,
MATTHEW VANDERHOOP
By his attorney,

Deborrah M. Dorman, Esq.
Post Office Box 944
Tisbury, MA 02568
(774) 563-0040
BBO#635729

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Matthew Vanderhoop v. Wilmington Savings Fund Society FSB
d/b/a Christiana Trust, not in its individual capacity, but solely as Trustee for BCAT 2014-10TT

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

☐

I. 410, 441, 470, 535, 830*, 835*, 891, 893, 895, R.23, REGARDLESS OF NATURE OF SUIT.

☒

II. 110, 130, 140, 160, 190, 196, 230, 240, 290, 320, 362, 370, 371, 380, 430, 440, 442, 443, 445, 446, 448, 710, 720, 740, 790, 820*, 840*, 850, 870, 871.

☐

III. 120, 150, 151, 152, 153, 195, 210, 220, 245, 310, 315, 330, 340, 345, 350, 355, 360, 365, 367, 368, 375, 376, 385, 400, 422, 423, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 625, 690, 751, 791, 861-865, 890, 896, 899, 950.

*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES

☐

NO

☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES

☐

NO

☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES

☐

NO

☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES

☐

NO

☒

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES

☐

NO

☒

- A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division

☒

Central Division

☐

Western Division

☐

- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division

☐

Central Division

☐

Western Division

☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES

☐

NO

☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Aaron A. Fredericks, Esq.

ADDRESS Sassoon & Cymrot, LLP, 84 State Street, Boston, MA 02109

TELEPHONE NO. (617) 720-0099

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Matthew Vanderhoop

(b) County of Residence of First Listed Plaintiff Dukes
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Deborah M. Dorman, Esq., Post office Box 944, Tisbury, MA 02568
(774) 563-0040

DEFENDANTS

Wilmington Savings Fund Society FSB, db/a Christiana Trust, not in its individual capacity, but solely as Trustee for BCAT 2014-10TT

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Aaron A. Fredericks, Esq., Sassoon & Cymrot, LLP
84 State Street, Boston, MA 02109 (617) 720-0099

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input checked="" type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. sec. 1332, 1441 and 1446

Brief description of cause:
Plaintiff seeks to enjoin foreclosure sale.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/11/2018

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MATTHEW VANDERHOOP, Plaintiff, v. WILMINGTON SAVINGS FUND SOCIETY FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BCAT 2014-10TT, Defendant.	Civil Action No.
---	------------------

CERTIFICATE OF SERVICE

I, Aaron A. Fredericks, Esq. of the law firm of Sassoon & Cymrot, LLP, counsel for defendant Wilmington Savings Fund Society FSB, d/b/a Christiana Trust, not in its individual capacity, but solely as Trustee for BCAT 2014-10TT hereby certify that I have this 11th day of September 2018 served a Notice of Removal, a Civil Cover Sheet, a Civil Category Sheet and this Certificate of Service by causing copies hereof to be sent by first-class, U.S. mail, postage pre-paid, to the following:

Deborrah M. Dorman, Esq.
PO Box 944
Tisbury, MA 02568

/s/ Aaron A. Fredericks, Esq.
Aaron A. Fredericks, Esq.

FILED
SUPERIOR COURT
COUNTY OF DUKES COUNTY

SEP 17 2018

REC'D

CLERK

7

COMMONWEALTH OF MASSACHUSETTS

DUKES, ss.

SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT
C.A. NO. 1874CV00034

MATTHEW VANDERHOOP,
Plaintiff,

v.

WILMINGTON SAVINGS FUND
SOCIETY FSB, D/B/ A CHRISTIANA
TRUST, NOT IN ITS INDIVIDUAL
CAPACITY, BUT SOLELY AS TRUSTEE
FOR BCAT 2014-10TT,
Defendant.

FILED
SUPERIOR COURT
COUNTY OF DUKES COUNTY

SEP 17 2018

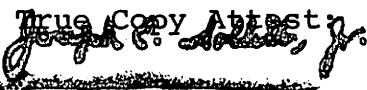
REC'D

CLERK

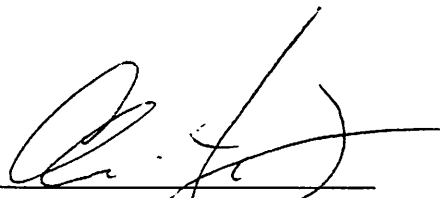
CERTIFICATE OF SERVICE

I, Aaron A. Fredericks, Esq. of the law firm of Sassoon & Cymrot, LLP, hereby certify that I have this 11th day of September 2018 served on behalf defendant Wilmington Savings Fund Society FSB, d/b/a Christiana Trust, not in its individual capacity, but solely as Trustee for BCAT 2014-10TT a Notice of Appearance and this Certificate of Service by causing copies hereof to be sent by first-class U.S. mail to the following:

Deborrah M. Dorman, Esq.
PO Box 944
Tisbury, MA 02568

A True Copy Attest:


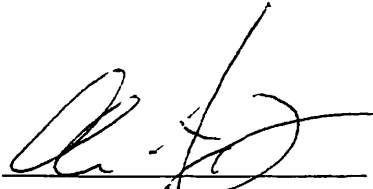
Joseph E. Sollitto, Jr.
Clerk of Courts


Aaron A. Fredericks, Esq.

CERTIFICATE OF SERVICE

I, Aaron A. Fredericks, Esq., counsel for defendant Wilmington Savings Fund Society FSB, d/b/a Christiana Trust, not in its individual capacity, but solely as Trustee for BCAT 2014-10TT hereby certify that I have this 11th day of September 2018 served a copy of the above document by first-class, U.S. mail, postage pre-paid, on the following:

Deborrah M. Dorman, Esq.
PO Box 944
Tisbury, MA 02568



Aaron A. Fredericks, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MATTHEW VANDERHOOP, Plaintiff, v. WILMINGTON SAVINGS FUND SOCIETY FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BCAT 2014-10TT, Defendant.	Civil Action No. 18-11924
---	---------------------------

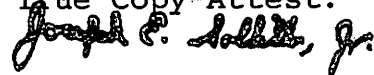
NOTICE OF REMOVAL

PURSUANT TO 28 U.S.C. §§ 1332, 1441 and 1446, defendant Wilmington Savings Fund Society FSB, d/b/a Christiana Trust, not in its individual capacity, but solely as Trustee for BCAT 2014-10TT ("Wilmington Savings") hereby removes the above-captioned action, originally filed in the Superior Court of the Commonwealth of Massachusetts, to the U.S. District Court for the District of Massachusetts.

Statement of Grounds for Removal

1. Matthew Vanderhoop ("Plaintiff") is, on information and belief, a Massachusetts citizen with a principal residence located in Aquinnah, Massachusetts.
2. Wilmington Savings is a subsidiary of Wilmington Savings Fund Society Financial Corporation, a financial services holding company headquartered in Wilmington, Delaware.

A True Copy Attest:



Joseph E. Sollitto, Jr.
Clerk of Courts

FILED
SUPERIOR COURT
COUNTY OF DUKES COUNTY

SEP 21 2018

1

REC'D

CLERK

3. By quitclaim deed dated January 7, 1995, the Plaintiff and Rachel Vanderhoop became record owners of certain real property known as and numbered 17 Old South Road, Aquinnah, Dukes County, Massachusetts (the "Property").

4. On April 24, 2007, the Plaintiff executed a promissory note in favor of Sovereign Bank (the "Lender") to borrow the sum of \$850,000.00 (the "Note"). As security for his obligations under the Note, the Plaintiff granted a mortgage on the Property in favor of the Lender (the "Mortgage").

5. The Mortgage was assigned to Wilmington Savings by an assignment of mortgage dated February 2, 2015.

6. Selene Finance LP ("Selene") is the loan servicer for the Note and Mortgage on behalf of Wilmington Savings.

7. On August 22, 2018, the Plaintiff filed a complaint (the "Complaint") with the Superior Court (Dukes) for the Commonwealth of Massachusetts (the "State Court"), commencing the above-captioned action. A copy of the Complaint is attached hereto as Exhibit 1.

8. In the Complaint, the Plaintiff seeks *inter alia* to enjoin Wilmington Savings from proceeding with a foreclosure sale regarding Wilmington Savings' Mortgage on the Property.

Jurisdiction

9. This Court has jurisdiction of the above-captioned action pursuant to 28 U.S.C. § 1332 in that the Plaintiff and Wilmington Savings are citizens of different states

and the amount in controversy, exclusive of interest and costs, exceeds the sum or value of \$75,000.00.

10. Removal is timely as, on August 22, 2018, the Plaintiff filed the Complaint with the State Court.

11. Pursuant to the Local Rules for the U.S. District Court for the District of Massachusetts (the "District Court"), within 30 days after the filing of this notice of removal, Wilmington Savings shall file with the District Court certified or attested-to copies of all records and proceedings in the State Court and a certified or attested-to copy of all docket entries in the State Court. Local Rule 81.1.

Respectfully submitted,

WILMINGTON SAVINGS FUND SOCIETY
FSB, D/B/A CHRISTIANA TRUST, NOT
IN ITS INDIVIDUAL CAPACITY, BUT
SOLELY AS TRUSTEE FOR BCAT 2014-
10TT,

By its attorney,

/s/ Aaron A. Fredericks, Esq.
Aaron A. Fredericks, Esq. (BBO#688412)
Sassoon & Cymrot, LLP
84 State Street
Boston, MA 02109
(617) 720-0099
AFredericks@SassoonCymrot.com

I hereby certify on 9-11-18 that the
foregoing document is true and correct copy of the
☐ electronic docket in the captioned case
☒ electronically filed original filed on 9-11-18
☐ original filed in my office on _____

Robert M. Farrell
Clerk, U.S. District Court
District of Massachusetts

By: _____
Deputy Clerk

DATE: September 11, 2018

A True Copy Attest:

Joseph E. Sollitto, Jr.
 Joseph E. Sollitto, Jr.
 Clerk of Courts

Affidavit of Process Server

TRIAL COURT OF MASSACHUSETTS THE SUPERIOR COURT, DUKES COUNTY

MATTHEW VANDERHOOP

VS

WILMINGTON SAVINGS FUND SOCIETY, FSB d/b/a
CHRISTIANA TRUST

1874CV00034

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I, DENORRIS BRITT being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service. RECEIVED 9/24/18

Service: I served WILMINGTON SAVINGS FUND SOCIETY, FSB d/b/a CHRISTIANA TRUST
 NAME OF PERSON / ENTITY BEING SERVED

with (list documents) SUMMONS AND TEMPORARY RESTRAINING ORDER WITH COMPLAINT & MOTION FOR TRO WITH AFFIDAVIT IN SUPPORT OF

by leaving with PATTI SMITH (authorized person) At

☐ Residence

NAME

RELATIONSHIP

☒ Business

ADDRESS

CITY / STATE

501 CARR RD. WILMINGTON, DE 19809

ADDRESS

CITY / STATE

On 9/24/18

DATE

AT 2:00 PM

TIME

Thereafter copies of the documents were mailed by prepaid, first class mail on _____

DATE

from _____

CITY

STATE

ZIP

Manner of Service:

☒ CORPORATE

☐ Personal: By personally delivering copies to the person being served.

☐ Substituted at Residence: By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of 18 and explaining the general nature of the papers.

☐ Substituted at Business: By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.

☐ Posting: By posting copies in a conspicuous manner to the front door of the person/entity being served.

☐ Non-Service: After due search, careful inquiry and diligent attempts at the address (es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

☐ Unknown at Address

☐ Moved, Left no Forwarding

☐ Service Cancelled by Litigant

☐ Unable to Serve in Timely Fashion

☐ Address Does Not Exist

☐ Other

Service Attempts: Service was attempted on: (1) _____

DATE

TIME

(2) _____

DATE

TIME

(3) _____

DATE

TIME

(4) _____

DATE

TIME

(5) _____

DATE

TIME

AGE

Race WHeight 5'5Weight 140HAIR GRAY

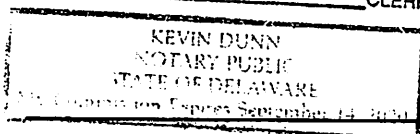
FILED
 SUPERIOR COURT
 COUNTY OF DUKES COUNTY

OCT 01 2018

SIGNATURE OF PROCESS SERVER
 DENORRIS BRITT
 800-952-2288

SUBSCRIBED AND SWORN in the State of Delaware, New Castle County before me this 24TH day of Sept., 2018.

CLERK



SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC for the state of DELAWARE

**SUMMONS AND TEMPORARY
RESTRAINING ORDER**

DOCKET NUMBER

1874CV00034**Trial Court of Massachusetts
The Superior Court**

CASE NAME:

Matthew Vanderhoop vs. Wilmington Savings Fund Society FSB**Joseph E. Sollitto, Jr., Clerk of Court
Dukes County**

TO:

Wilmington Savings Fund Society FSB

COURT NAME & ADDRESS

**Dukes County Superior Court
81 Main Street
P. O Box 1267
Edgartown, MA 02539**

To the above named defendant(s):

You are hereby summoned and required to serve upon, plaintiff's attorney:

**Deborrah M Dorman, Esq.
Law Office of Deborrah M. Dorman
Post Off Box 944
Vineyard Haven, MA 02568**

an answer to the complaint/3rd party complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint/3rd party complaint. You are also required to file your answer to the complaint/3rd party complaint in the office of Clerk of this Court at Edgartown either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ALSO NOTIFY YOU that application has been made in said action for a Preliminary Injunction. A hearing will be held at the court house on:

Date: 09/04/2018**Time: 09:00 AM****Session: Civil A****Session Location: Dukes County Superior Court**

at which time you may appear and show cause why such application should not be granted. In the meantime, until such hearing, **WE COMMAND YOU**, Wilmington Savings Fund Society FSB and your agents, attorneys and counselors, and each and every one of them:

Wilmington Savings Fund Society FSB is restrained and enjoined from conducting a Foreclosure auction of 17 South Road, Aquinnah, MA

DATE ISSUED

08/22/2018

ASSOCIATE JUSTICE

Hon. Cornelius J Moriarty, II~~ASSOCIATE~~ CLERK

X

SESSION PHONE#

CIVIL TRACKING ORDER
(STANDING ORDER 1- 88)

DOCKET NUMBER

1874CV00034

Trial Court of Massachusetts
The Superior Court

CASE NAME:

Matthew Vanderhoop vs. Wilmington Savings Fund Society FSB

Joseph E. Sollitto, Jr., Clerk of Court
Dukes CountyTO: Deborah M Dorman, Esq.
Law Office of Deborah M. Dorman
Post Off Box 944
Vineyard Haven, MA 02568

COURT NAME & ADDRESS

Dukes County Superior Court
81 Main Street
P. O Box 1267
Edgartown, MA 02539**TRACKING ORDER - F - Fast Track**

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION**DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		11/20/2018	
Response to the complaint filed (also see MRCP 12)		12/20/2018	
All motions under MRCP 12, 19, and 20	12/20/2018	01/22/2019	02/19/2019
All motions under MRCP 15	12/20/2018	01/22/2019	02/19/2019
All discovery requests and depositions served and non-expert depositions completed	06/18/2019		
All motions under MRCP 56	07/18/2019	08/19/2019	
Final pre-trial conference held and/or firm trial date set			12/16/2019
Case shall be resolved and judgment shall issue by			08/21/2020

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to

DATE ISSUED

08/22/2018

ASSISTANT CLERK

PHONE

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT**

DUKES, SS

DOCKET NO.

MATTHEW VANDERHOOP,
Plaintiff

VS

**WILMINGTON SAVINGS FUND
SOCIETY FSB, DOING BUSINESS AS
CHRISTIANA TRUST, NOT IN ITS
INDIVIDUAL CAPACITY, BUT
SOLELY AS TRUSTEE FOR BCAT
2014-10TT,**
Defendant

**COMPLAINT AND MOTION FOR TEMPORARY
RESTRAINING INJUNCTION FOR PROTECTION FROM
AN UNLAWFUL FORECLOSURE AUCTION OF HIS
HOME, G.L.c 244, Sec. 35B**

NOW COMES Mr. Matthew Vanderhoop, the Plaintiff in the above-captioned action, who presents this Complaint and Motion for Temporary Restraining Injunction for Protection from Unlawful Foreclosure Auction of his Home, located at 17 Old South Road, in Aquinnah, Massachusetts.

1. On or about April 24, 2007, Mr. Vanderhoop obtained a mortgage from Sovereign Bank for \$850,000 to purchase 17 Old South Road, Aquinnah. During the recent recession, Mr. Vanderhoop fell behind in his mortgage, but has been denied the opportunity to modify his mortgage in order to avoid foreclosure of his home in violation of G.L.c 244.
2. The Defendant does not have clear title to Mr. Vanderhoop's home, 17 Old South Road, Aquinnah.
3. On January 22, 2016, Angela Farmer, Vice President, signed an *Affidavit Regarding Note Secure by Mortgage to be Foreclosed*, by Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity but solely as Trustee for

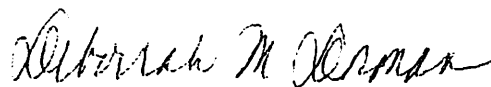
BCATd 2014-10TT by Rushmore Loan Management Services LLC, its appointed attorney in Fact. See Book 01397, Book 883.

4. However, the property was not transferred to Wilmington Savings until February 6, 2018, when MTGLQ Investors, assigned and transferred Wilmington Savings Fund Society, FSB, Doing Business as Christiana Trust, not in its individual capacity but solely as Trustees for BCAT 2014-10TT, whose address is c/o Selene Finance LP. See Book 01460, Page 560.
5. Permission for Mr. Vanderhoop to access his home at 17 South Road, Aquinnah, has been granted to him and his family members by the Wampanoag Tribe of Gay Head (Aquinnah), of which Mr. Vanderhoop is a member, and it is questionable as to whether access across Wampanoag Tribal Lands would be allowed to a third party.

THEREFORE, Mr. Vanderhoop ask this Honorable Court to issue a Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction restraining and enjoining the Defendant from conducting a Foreclosure auction of 17 South Road, Aquinnah, and award any other such relief as the Court deems appropriate. Further, Mr. Vanderhoop requests that the Court schedule Preliminary Injunction Hearing prior to the expiration of any Temporary Restraining Order that may be granted.

August 23, 2018

Respectfully submitted,
MATTHEW VANDERHOOP
By his attorney,



Deborrah M. Dorman, Esq.
Post Office Box 944
Tisbury, MA 02568
(774) 563-0040
BBO#635729

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT**

DUKES, SS

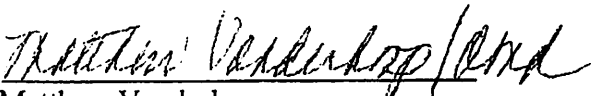
DOCKET NO.

MATTHEW VANDERHOOP,)
Plaintiff)
)
VS)
)
WILMINGTON SAVINGS FUND)
SOCIETY FSB, DOING BUSINESS AS)
CHRISTIANA TRUST, NOT IN ITS)
INDIVIDUAL CAPACITY, BUT)
SOLELY AS TRUSTEE FOR BCAT)
2014-10TT,)
Defendant)

**PLAINTIFF'S AFFIDAVIT IN SUPPORT OF
COMPLAINT AND MOTION FOR TEMPORARY
RESTRAINING INJUNCTION FOR PROTECTION FROM
AN UNLAWFUL FORECLOSURE AUCTION OF HIS
HOME, G.L.c 244, Sec. 35B**

1. My name is Matthew Vanderhoop and I live at 17 Old South Road, Aquinnah, Massachusetts.
2. I obtained a mortgage on or about April 24, 2007, but when I fell behind in my mortgage payments, was unable to obtain a modification of my mortgage.
3. My mortgage changed hands so many times that it was hard to keep up with who really owned my mortgage and the documents themselves regarding my title are equally confusing.
4. I am a member of the Wampanoag Tribe of Gay Head (Aquinnah) and have received tribal permission to access my home. I believe that this right of access is limited to me and my family.
5. If the foreclosure sale of my home is allowed today, my family and I will suffer irreparable harm.

Signed under the pains and penalties of perjury:


Matthew Vanderhoop